

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUMITOMO PHARMA UK HOLDINGS,	:	
LTD.,	:	
	:	
Petitioner,	:	24-MC-290 (VSB) (HJR)
	:	
- against -	:	<b><u>ORDER</u></b>
	:	
CLEAR STREET LLC & ALPINE	:	
PARTNERS (BVI), L.P.,	:	
	:	
Respondents.	:	
	:	
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Appearances:

David Yury Livshiz  
Freshfields US LLP  
New York, New York  
*Counsel for Petitioner*

Mark Christopher Davies  
Duane Louis Loft  
Brianna Hills Simopoulos  
Pallas Partners (US) LLP  
New York, New York  
*Counsel for Respondent Alpine Partners*

VERNON S. BRODERICK, United States District Judge:

On June 21, 2024, Petitioner Sumitomo Pharma UK Holdings, Ltd. (“Sumitomo”) applied *ex parte* under 28 U.S.C. § 1782 to obtain discovery for use in a litigation pending before the Bermuda Supreme Court. (*See* Doc. 1 (“Petition”); Doc. 4-1 (initiating documents of Bermuda litigation).) The Petition seeks documents from Clear Street, LLC (“Clear Street”), as well as a deposition of a Clear Street corporate representative. On July 12, 2024, I approved a stipulated order permitting Alpine Partners (BVI), L.P. (“Alpine”)—the plaintiff in the Bermuda

litigation—to intervene as a party opposing Sumitomo’s petition. (*See* Doc. 8.) On November 21, 2024, I referred this matter to a Magistrate Judge for a Report & Recommendation. (Doc. 19.) Judge Henry Ricardo was designated as the presiding Magistrate Judge, and on January 2, 2025, issued a thorough and well-reasoned Report & Recommendation that Sumitomo’s petition be granted. (Doc. 23 (“Report”).)

“Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,” (Report 13), the deadline for the parties to object to the Report was January 16, 2025. The Report warned the parties that “failure to file objections within fourteen (14) days will result in a waiver of objections and will preclude appellate review. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010).” (Report 13.) Neither party filed an objection to the Report and Recommendation or requested additional time to do so.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

I have reviewed Magistrate Judge Ricardo's detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk of Court is respectfully directed to terminate the pending motion at Doc. 1.

SO ORDERED.

Dated: February 14, 2025  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script, and "Broderick" follows in a similar but slightly smaller script. The signature is positioned above the printed name and title.

Vernon S. Broderick  
United States District Judge